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PATENT

PATENT TRADEMARK OFFICE

Customer No.

Attorney Docket No. 7528.0003-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Todd J. MORTIER et al.

Application No.: 09/981,790

Filed: October 19, 2001

For: VALVE TO MYOCARDIUM  
TENSION MEMBERS DEVICE  
AND METHOD

)

Group Art Unit: 3738

Examiner: D. Willse

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee payment of \$180.00 as specified by Section 1.17(p).

Copies of the documents listed on the 1449 form are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO 1449.

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Regarding the non-English language documents cited herein and in the Information Disclosure Statement filed February 4, 2002, the following statements are provided:

1. DE 42 34 127 - An English language Abstract of this document is being submitted herewith.
2. DE 36 14 292 - An English language Abstract of this document is being submitted herewith.
3. DE 296 19 294 - An English language Abstract of this document is being submitted herewith.
4. WO 97/14286 - An English language Abstract of this document is being submitted herewith.
5. WO 98/58598 - An English language Abstract of this document is being submitted herewith.

Applicants request that the Examiner consider these documents and indicate his consideration by making appropriate notations on the attached Form PTO 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

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Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
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Dated: May 28, 2003

By: Susanne T. Jones  
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